

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 20, line 3, delete "of".

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

The primary reason for allowance of claims 11, 13-14, and 16-28 is the inclusion of the limitation of an alkoxyamine having alkyl groups of a particular length, being a salt, and its incorporation into an emulsion which acts as an initiator and an emulsifying agent as represented by the formula (I) in all the claims which is not found in the prior art references, alone or in combination.

The closest prior art references are the following:

Charleux et al. (US 6,353,065)

Callais et al. (US 6,762,263)

Guerret et al. (US 6,657,043)

Charleux et al. teaches a process for emulsion polymerization in the presence of a molecule, which when introduced into the emulsion acts as a stable free radical and an emulsifying agent. This is not the same as the instant invention, which introduces a molecule that acts as an initiator and an emulsifying agent.

Further, note that all of the examples of *Charleux et al.* are prepared in the presence of an initiator, specifically potassium persulfate ($K_2S_2O_8$), whereas those of the instant invention polymerize without the introduction of an initiator. The instant application only introduces the initiator after the polymerization has reached completion in order to polymerize the residual monomers (see instant specification, Example 3, p. 17-18).

Callais et al. teaches a process for radical polymerization using an alkoxyamine initiator; however, the process of *Callais et al.* is not performed in an emulsion and there is no reason to shorten the alkyl groups of the alkoxyamines, which would render the alkoxyamines to be the same as those of the instant invention.

Guerret et al. teaches emulsion polymerization using polyalkoxymaines which are used as initiators and free radical scavengers. This is not the same as the instant invention, which introduces a molecule that acts as an initiator and an emulsifying agent, as *Guerret et al.* does not teach or suggest a short chained salt to be bonded to the initiator, as is required by the instant invention.

The processes and alkoxyamines of the prior art do not suggest or disclose the structural features of the claimed alkoxyamines and is distinguishable over the prior art with the incorporation of alkoxyamines having shorter alkyl chains, the salt groups which allow for water solubility of the alkoxyamines, and using them in an emulsion polymerization which act as an initiator and an emulsifying agent.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Briann R. Fink whose telephone number is (571)270-7344. The examiner can normally be reached on Monday through Friday, 7:00 AM to 4:30 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571)272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brieann R Fink/
Examiner, Art Unit 1796

/Randy Gulakowski/
Supervisory Patent Examiner, Art Unit 1796